

1                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.071, F.S.; providing definitions; requiring that  
 4           electronic mail addresses and Internet identifiers of  
 5           sexual predators or sexual offenders reported pursuant  
 6           to specified laws be exempt from public record  
 7           requirements unless otherwise ordered by a court;  
 8           providing applicability; providing construction;  
 9           providing for future review and repeal of the  
 10          exemption; providing a statement of public necessity;  
 11          providing a directive to the Division of Law Revision  
 12          and Information; providing a contingent effective  
 13          date.

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 15   Be It Enacted by the Legislature of the State of Florida:

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 17          Section 1. Paragraph (1) is added to subsection (5) of  
 18          section 119.071, Florida Statutes, to read:

19          119.071 General exemptions from inspection or copying of  
 20          public records.—

21          (5) OTHER PERSONAL INFORMATION.—

22          (1)1. For purposes of this paragraph, the term:

23          a. "Electronic mail address" has the same meaning as  
 24          provided in s. 668.602.

25          b. "Internet identifier" has the same meaning as provided

26 | in s. 775.21.

27 | 2. Electronic mail addresses and Internet identifiers of  
28 | sexual predators or sexual offenders reported pursuant to s.  
29 | 775.21, s. 943.0435, s. 944.606, s. 944.607, s. 985.481, or s.  
30 | 985.4815 are exempt from s. 119.07(1) and s. 24(a), Art. I of  
31 | the State Constitution unless otherwise ordered by a court. This  
32 | exemption applies to records held before, on, or after the  
33 | effective date of this act.

34 | 3. This paragraph does not prohibit a law enforcement  
35 | agency from confirming that an electronic mail address or  
36 | Internet identifier reported pursuant to s. 775.21, s. 943.0435,  
37 | s. 944.606, s. 944.607, s. 985.481, or s. 985.4815 is registered  
38 | in the Department of Law Enforcement sexual offender and sexual  
39 | predator registry.

40 | 4. This paragraph is subject to the Open Government Sunset  
41 | Review Act in accordance with s. 119.15 and shall stand repealed  
42 | on October 2, 2022, unless reviewed and saved from repeal  
43 | through reenactment by the Legislature.

44 | Section 2. (1) The Legislature finds that it is a public  
45 | necessity that the electronic mail addresses and Internet  
46 | identifiers of sexual offenders and sexual predators required to  
47 | be reported pursuant to s. 775.21, s. 943.0435, s. 944.606, s.  
48 | 944.607, s. 985.481, or s. 985.4815, Florida Statutes, be made  
49 | exempt from s. 119.071(1), Florida Statutes, and s. 24(a),  
50 | Article I of the State Constitution. The Legislature finds that

51 the exemption strikes an important balance between the  
52 government's legitimate interest in protecting the public and a  
53 sexual offender's or sexual predator's right of free speech  
54 under the First Amendment to the United States Constitution. The  
55 exemption maintains the ability of members of the public to  
56 confirm whether an Internet identifier with which they are  
57 communicating is associated with is contained in the sexual  
58 offender and sexual predator registry without providing the  
59 personal identifying information of the individual who  
60 registered the Internet identifier. This allows members of the  
61 public to access an important tool to make informed decisions  
62 regarding communicating with sexual offenders or sexual  
63 predators through commercial social networking sites.  
64 Additionally, this allows criminal justice agencies to have the  
65 necessary tools to investigate crimes and fight against the  
66 growing epidemic of sexual offenses that occur online.

67 (2) The Legislature recognizes the importance of  
68 protecting rights provided in the First Amendment to the United  
69 States Constitution for all citizens while ensuring criminal  
70 justice agencies have the tools necessary to protect our  
71 citizens. If the ability to collect this information were  
72 prevented, it would greatly disrupt law enforcement from using  
73 these essential tools in combatting the prevalent problem of  
74 online sexual exploitation of children. The requirement for  
75 sexual offenders and sexual predators to register their

76 electronic mail addresses and Internet identifiers has been an  
77 important tool for criminal justice agencies in combatting the  
78 exploitation of minors. Commercial social networking sites are  
79 widely used among youth and adults for introduction,  
80 communication, and publication of personal details that may be  
81 exploited. Studies have shown a nexus between commercial social  
82 networking sites and Internet sex crimes. For these reasons, the  
83 Legislature finds that it is a public necessity that the  
84 electronic mail addresses and Internet identifiers that are  
85 required to be reported by sexual offenders and sexual predators  
86 pursuant to ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and  
87 985.4815, Florida Statutes, be exempt from public record  
88 requirements.

89 Section 3. The Division of Law Revision and Information is  
90 directed to replace the phrase "the effective date of this act"  
91 whenever it occurs in this act with the date the act becomes a  
92 law.

93 Section 4. This act shall take effect on the same date  
94 that HB 699 or similar legislation takes effect, if such  
95 legislation is adopted in the same legislative session or an  
96 extension thereof and becomes a law.